



**MINUTES OF THE GILA COUNTY
BOARD OF ADJUSTMENT
Thursday July 18, 2019
9:00 AM**

GILA COUNTY BOARD OF SUPERVISORS CONFERENCE ROOM
610 E. Highway 260, Payson, AZ
GILA COUNTY COMMUNITY DEVELOPMENT CONFERENCE ROOM
745 N. Rose Mofford Way, Globe, AZ

REGULAR MEETING

1. The meeting was called to order at 9:00 A.M. by Chairman Mickie Nye.
2. Pledge of Allegiance was led by Mary Lou Myers.
3. Roll Call: Shealene Loya did the roll call; Mickie Nye (in Payson), Bill Marshall (in Globe), and Mary Lou Myers (in Payson). A quorum is present.

Community Development Staff Members Present: Senior Planner, Michelle Dahlke, Administrative Assistant, Shealene Loya and Director, Scott Buzan.

4. Review and Approval of the Board of Adjustment Minutes on June 20, 2019: Due to technical difficulties, the minutes will be presented at the next scheduled Planning and Zoning Commission Regular Meeting.
5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

Scott Buzan took this time to go into detail regarding the technical difficulties that prevented the previous meeting minutes to be completed. He explained that the County obtained a virus, which sparked the County IT department to shut down all computers county-wide for about a week and a half. He went on to explain that the minutes from the June 20th meeting as well as the July 18th meeting will be available for review at the next scheduled Planning and Zoning Commission meeting.

Mrs. Dahlke did not have anything to discuss.

Public Hearing:

6. **AV-19-13 Robert Miller**
Appeal of an Administrative Variance decision to approve the construction of a detached garage within the front yard of property located at 395 North Cline Boulevard, Tonto Basin, Arizona (APN # 201-17-063C).

Mr. Buzan began by stating that the applicant's administrative variance was approved by staff because it met all requirements, such as setbacks and location. Per our administrative variance procedures, letters were sent out to adjoining properties notifying them of staff's decision and allow them 15 days to appeal the decision. One appeal was filed, in which the construction material

of the garage was a concern. The applicant's intent is to build the garage using metal materials, which the appealing neighbor believes would not be as esthetically pleasing. It was explained to the appealing neighbor that Planning and Zoning does not regulate the type of material used in the construction, but he wished to continue with the appealing process and bring the case before the Board of Adjustment. Staff is recommending that the Board deny the appeal and uphold the approval of the administrative variance.

Chairman Nye informed the board that the applicant, Mr. Miller, was present for the meeting in Payson.

Chairman Nye also asked Mr. Buzan if it would be appropriate to ask Mr. Miller and the appealing neighbor to work together to get this resolved. Mr. Buzan stated that it has not been done that way before, but the Board can essentially set any stipulations that it would like.

Mr. Buzan asked Mr. Miller if he planned on painting the garage.

Mr. Miller informed the board that he intended on painting the metal material after it was constructed to match his home which was a tan color to blend with the surround neighborhood and landscape.

Mrs. Myers asked if it would be possible to set a stipulation that Mr. Miller would need to paint his garage a certain color.

Mr. Buzan answered and reiterated that the Board can set any stipulations that they wish, but normally the paint color of a structure is not usually regulated.

Mr. Miller took the opportunity to present his building plans to the Board and stated that the front of the garage will be facing his home. Chairman Nye asked Mr. Miller what part of the garage the appealing neighbor would be looking at from his property. Mr. Miller answered Chairman Nye by pointing to his plans, indicated that the neighbor would be looking at the backside of the garage from his property. Mr. Miller also used his plans to explain to the Board what types of materials would be used to build the garage. Mr. Miller also used his plans to inform the Board of any vegetation was around the garage, however much of what Mr. Miller stated was inaudible on the recording of the meeting.

Chairman Nye took the opportunity to explain to the Board Member in the Globe office what Mr. Miller was presenting with his plans. Chairman Nye stated that the appealing neighbor will be looking at the backside of the garage where no windows or doors are present. He further explained that the garage was a 15-foot-tall metal building. He also stated that he had no issues with the build of the structure but would like to ask that it be painted a color that matches its surroundings.

Mrs. Myers agreed with Chairman Nye.

Mr. Buzan commented that he did not see why the Board could not set the paint color as a stipulation. Chairman Nye gave some background on previous times that the Board has asked that a structure be painted a color to match the surrounding area. Chairman Nye also stated that he can understand the appealing neighbor's concern, but he also recognized that Mr. Miller has the rights to build the structure.

Mrs. Dahlke explained that the zoning ordinance does allow the board to designate conditions in order to substantiate the goal of the Zoning Ordinance. Therefore, setting a condition that the garage has to be painted a certain color is well within the authority of the Board.

Mr. Marshall gave his opinion on the garage and stated that he has no problem with the structure as long as it's not built with a reflective, galvanized metal.

Mr. Miller wanted to clarify if there will be any stipulations on the color to which Mrs. Myers suggested that he should probably avoid painting the garage white, but maybe use a tan paint.

Chairman Nye agreed that tan would be a good paint color choice.

Mr. Marshall motioned to deny the appeal for Case No. AV-19-13 and allow the applicant to construct a detached metal garage in the front yard of his property with the stipulation that the applicant paints the structure a similar color to his house.

Mrs. Myers second the motion.

The motion unanimously passed.

7. Adjournment. Mrs. Myers made a motion to adjourn the meeting and Mr. Marshall second the motion. The motion to adjourn was unanimously approved at 9:17 A.M.